

DRAFT

February __, 1999

Rachel E. Deming, Esq.
Environmental Remediation Counsel
Legal Department
Ciba Specialty Chemicals Corporation
560 White Plains Road
Tarrytown, New York 10591

OPTIONAL FORM 99 (7-90)	
FAX TRANSMITTAL	
# of pages ▶ 2	
To <u>Rachel Deming</u>	From <u>Catherine Smith</u>
Dept./Agency	Phone # <u>617-918-1777</u>
Fax # <u>914 785-4831</u>	Fax # <u>617 918-1509</u>
NSN 7540-01-317-7368	5099-101 GENERAL SERVICES ADMINISTRATION

DRAFT

Dear Ms. Deming:

This letter responds to your request for a "comfort letter" to facilitate the sale of a portion of the Ciba Specialty Chemicals RCRA Corrective Action Site ("Ciba Site") in Cranston, Rhode Island. My response is based on the facts presently known to the United States Environmental Protection Agency ("EPA") and is provided solely for informational purposes.

As I understand it, the prospective purchaser is concerned about its potential liability under the Resource Conservation and Recovery Act ("RCRA"), 42 U.S.C. Sections 6901 et seq., for cleaning up the portions of the Site that the prospective purchaser is **not** buying (hereinafter referred to as "the Remaining Portions"). I further understand that the purchaser's operations will not involve the generation, storage, treatment or disposal of hazardous materials and that the prospective purchaser has agreed to help Ciba clean up the parcel of land that it **is** buying.

Please be advised that your prospective purchaser would not incur RCRA liability for cleanup of the Remaining Portions unless the purchaser a) directly contaminated the Remaining Portions; or b) caused the migration of hazardous constituents from its newly-acquired land to the Remaining Portions.

As for the prospective purchaser's liability for cleaning up the Remaining Portions under the Comprehensive Environmental Response, Compensation, and Liability Act ("CERCLA"), 42 U.S.C. 9601 et seq., please be advised that the Ciba Site was listed on the Superfund program inventory of known and suspected hazardous waste disposal sites (the CERCLIS database). EPA has archived the Ciba Site from the CERCLIS inventory because Ciba Specialty Chemicals Co. is cleaning up the Site under RCRA corrective action authorities. Therefore, EPA anticipates no need to take additional Superfund enforcement, investigatory, cost recovery, or cleanup action at this archived site unless EPA receives new information warranting further Superfund consideration or discovers conditions not previously known to EPA. EPA will maintain a dialogue with the State of Rhode Island and will continue to refer archived sites to the states for their review

Superfund Records Center
SITE: Ciba-Geigy
BREAK: 19.00
OTHER: 638024



SEMS DocID 638024

and consideration. The state contact for the Ciba site is Doris Aschman (401) 222-2797 x7136, and for information on archived sites contact Terrence Gray (401) 222-3872 x7100. The address for both is RI Department of Environmental Management, Office of Waste Management, 235 Promenade Street, Providence, RI 02908.

I hope that this letter responds to your concerns. If you have any additional questions or wish to discuss this information, please feel free to contact Catherine Smith at (617) 918-1777.

Sincerely,

Pat L. Meaney
Director, Office of Site
Remediation and Restoration

cc: Terrence Gray, RI DEM
Doris Aschman, RI DEM
Catherine Smith, EPA
Frank Battaglia, EPA
Audrey Zucker, EPA

MESSAGE CONFIRMATION

DATE: 02/24/99 TIME: 10:57

ID: 000000000000000000

DATE	TIME	TX-TIME	DISTANT STATION ID	MODE	PAGES	RESULT
02/24	10:56	00'57"	9147854831	G3-S	002	OK

Wander